

## REMARKS

This amendment is being filed in response to an Office Action mailed 11/28/2006, in which the Examiner that claims 1-49 were pending but rejected. In this amendment, claims 2, 8, 18, 23, 28, 30, and 31 are amended to overcome objections and reasons for rejection given by the Examiner, and other reasons for rejection are traversed below.

### Claims to which Objections were made

In the above-mentioned Office Action, the Examiner indicated that claims 8-15, 23-28, 30, 40, 44, and 46 were objected to

The Examiner further indicated that claim 8 recites "abase" where it should read "the base." In this amendment, this change is made.

The Examiner additionally indicated that claims 11, 23, and 44 include erroneous status identifiers. The Applicants request more information on the status indicator of claim 11, which appears to be correctly stated as "original." In the status identifier of claim 23, a missing right parenthesis ")" was added. In claim 44, the status identifier was changed from "new" to "previously presented," and a missing colon ":" was added.

### Claims Rejected under 35 USC §102

The Examiner said that claims 1-49 were rejected under 35 USC §102(b) as being anticipated by U.S. Pat. No. 5,887,063 to Varadharajan et al.

Regarding claim 1 and 7, the Applicants respectfully submit that Varadharajan et al. fails to anticipate the requirements of these claims for resetting a timer within said portable computing system and for providing access to said secure data only when said timer is running as a part of a method for providing access to

secure data through a portable computer system during a specified time.

5 In the Applicants' invention, secure data can be accessed through the portable computing system when the timer within the portable computing system is running. In the system of Varadharajan et al., as described particularly in column 5, lines 33-40, secure data stored within the base system is accessed through the portable computing system after the portable computing system accesses the base computing system from a remote location and after the portable computing system successfully answers a challenge transmitted from the base computing system upon receiving a communication from the portable computing system.

10 The Applicants respectfully submit that there is no mention in Varadharajan et al. of a timer that is set, with access to secure data only being provided when the timer is running.

15 These processes are significantly different. With the process of the Applicants' invention, the user of the portable computing system is provided with a way to set a time during which the validation process is not required, i.e. the time during which the timer is running. Thus, the user can set the timer to run during a period in which he has control of the portable computing system, so that he can continue to use the system without having to repeatedly perform the validation process. If the timer is not running, data stored within the portable computing system is additionally protected from unauthorized use with the Applicants' invention. On the other hand, with the invention of Varadharajan et al., the validation process is required each time the portable computing system accesses the base computing system, regardless of the elapsed time since the last such communication.

20 In the above-mentioned Office Action, the Examiner referenced FIG. 1, items 10 and 12, and column 2, lines 31-46 and 59-65, regarding resetting a timer within

the portable computing system to run for a specified time and providing access to said secure data only when the timer is running. However, the Applicants note that FIG. 1 merely shows the base computing system 10 and the portable computing device 12 connected to one another directly, by means of a cable extending between parallel interfaces and by an infrared communications link, and indirectly, over a communications network. FIG. 1 does not show a timer used for any purpose. The referenced passages from column 2 describe a key update means for initiating the sharing of a security key or code data between the host device and the portable device, with activation means responsive to the presence of the portable device causing the key update means to share the security key or code data. The key update means may be activated manually, or it may be responsive to operation of the direct communication means. There is no mention of the use of a timer for any means or of access to data being provided while the timer is running.

For all the above reasons, the Applicants respectfully submit that claims 1 and 7 are patentable under 35 USC §102(b) over Varadharajan et al.

**Regarding claims 2-5**, since these dependent claims merely add limitations to the requirements of claim 1, the Applicants respectfully submit that, for reasons described above regarding the rejection of claim 1, claims 2-5 are patentable under 35 USC §102(b) over Varadharajan et al.

**Regarding claim 6 and 49**, the Examiner said that Varadharajan et al. teaches setting said timer including storing a number corresponding to said specified time in said timer register, referring to column 3, lines 7-9 and column 4, lines 8-12, of Varadharajan et al. The Applicants note that column 3, lines 7-9, describes the activation means, which causes the key update means to initiate the sharing of a security key or code data as describing when the portable device is docked within a cradle of the host device, so that direct communication can occur. This

describes a method for carrying out the invention of Varadharajan et al. in providing for the exchange of keys when direct communications are established. The Applicants further note that column 4, lines 8-12 further describe “periodically” exchanging of a security key through a direct communication link.

5

The Applicants respectfully submit that Varadharajan et al. is using the term “periodically” to mean that the keys are exchanged every so often, not that the keys are exchanged at regular time intervals. In other references, Varadharajan et al. indicates that the keys are exchanged when the devices are brought together in direct communication, so that, after the devices are separation, subsequent communications over the communications network 22 cannot be compromised because of the security provided by the key exchange. There would be no reason to use a timer to cause the key exchange to occur on a regular basis with the devices remaining in direct communication; such additional key exchanges would not increase security during a subsequent communication over the communications network 22.

In this regard, the Applicants further note that *Webster’s Third New International Dictionary* defines “periodically” as having a first meaning “at regular intervals of time” and a second meaning “from time to time.” Thus, the Applicants respectfully submit that, in the absence of any indication within Varadharajan et al. regarding the desirability of connecting the portable device to the base device to exchange keys at regular time periods, or of any indication regarding how this would be done, “periodically,” as used within Varadharajan et al., should be considered to have the second meaning.

The Applicants respectfully submit that Varadharajan et al. contains no reference to a timer, or to various elements required by claims 6 and 49, such as a timer register storing a number corresponding to a time remaining, with the number being decremented in response to a series of timing pulses and with the process

of setting the timer including storing a number corresponding to the time remaining.

Therefore, and additionally because claim 6 merely adds limitations to claim 1, which is believed to be patentable as described above, the Applicants respectfully submit that claims 6 and 49 are patentable under 35 USC §102(b) over Varadharajan et al.

**Regarding claims 8, 9, 12 and 13**, since these dependent claims merely add limitations to the requirements of claim 7, the Applicants respectfully submit that, for reasons described above regarding the rejection of claim 7, claims 8, 9, 12, and 13 are patentable under 35 USC §102(b) over Varadharajan et al.

**Regarding claim 10**, the Examiner said that Varadharajan et al. teaches a timer register storing a number corresponding to a time remaining, with the number being decremented in response to a series of timing pulses generated within the portable computing system, and with setting the timer including storing a number corresponding the specified time in the timer. In this regard, the Examiner cited column 2, lines 43-46 and column 3, lines 7-9.

However, the Applicants note that column 2, lines 43-46, describes the key update means for initiating the sharing of a security key or code data between the host device and the portable device, with activation means responsive to the presence of the portable device causing the key update means to share the security key or code data. The key update means may be activated manually, or it may be responsive to operation of the direct communication means. There is no mention of the use of a timer for any means or of access to data being provided while the timer is running.

The Applicants note that column 3, lines 7-9, describes the activation means,

which causes the key update means to initiate the sharing of a security key or code data as describing when the portable device is docked within a cradle of the host device, so that direct communication can occur. This describes a method for carrying out the invention of Varadharajan et al. in providing for the exchange of keys when direct communications are established.

There is no mention by Varadharajan et al. of using a timer to determine when the key exchange is needed, or of providing access to secure data only when the timer is running.

Therefore, the Applicants respectfully submit that the Varadharajan et al. does not teach the requirements of claim 10 for the timer to include a timer register storing a number corresponding to a time remaining, for the number corresponding to the time remaining being decremented in response to a series of timing pulses generated within the portable computing system, or for setting the timer to include storing a number corresponding to the specified time in the timer register.

For this reason, the Applicants respectfully submit that claim 10 is patentable under 35 USC §102(b) over Varadharajan et al.

**Regarding claim 14**, the Examiner said that Varadharajan et al. teaches that the timer is set within the portable computing system in response to receiving the approval code, citing column 4, lines 13-21.

However, the Applicants respectfully submit that the cited passage from column 4 describes initially using the same key as the first key in both the portable device and the base device, with the user of the portable device being responsible to arrange a key exchange, through direct connection, before the portable device is connected to the public communications network, so that the

first key, stored within the base device, is not compromised in the public communications network. There is no mention of requiring a timer for any purpose.

5 Therefore, the Applicants respectfully submit that Varadharajan et al. does not teach the requirement of claim 14 for the timer to be set within the portable computing system in response to receiving the approval code. For this reason, and additionally because claim 14 merely adds its limitations to those of claim 7, which is believed to be patentable as described above, the Applicants  
10 respectfully submit that claim 14 is patentable under 35 USC §102(b) over Varadharajan et al.

**Regarding claim 15**, since this dependent claim merely add limitations to the requirements of claim 14, the Applicants respectfully submit that, for reasons  
15 described above regarding the rejection of claim 14, claim 15 is patentable under 35 USC §102(b) over Varadharajan et al.

**Regarding claim 16**, the Examiner said that Varadharajan et al. teaches:

20 in response to determining that a public cryptographic key is not stored in said first location, transmitting a request code, receiving said public cryptographic key, and storing said public cryptographic key in said first location;  
transmitting a first code;  
receiving a response to said first code;  
25 determining from said response to said first code if a connection has been made to said base computing system; and  
setting said timer to run until said specified time has expired;  
a subroutine executing within said first processing means, causing  
said portable computing system to perform a process including:  
30 determining if said timer is running; and

providing access to said secure data only when said timer is running

The Examiner cites Varadharajan et al., column 2, lines 31-46 and 59-65, column 4, lines 1-52, the Abstract, and FIG. 1.

5

However, the Applicants note that the referenced passages from column 2 describe a host device and a portable device capable of communicating remotely or directly, having a key update means for initiating the sharing of a security key or code data between the host device and the portable device, with activation means responsive to the presence of the portable device causing the key update means to share the security key or code data. The key update means may be activated manually, or it may be responsive to operation of the direct communication means. There is no mention of the use of a timer for any means or of access to data being provided only while the timer is running.

15

The referenced passage from column 4, FIG. 1, and the Abstract further describe the host device, the portable device, and the means by which they are connected to share keys and to transfer data, again without mentioning the use of a timer for any means or providing access to data only when a timer is running.

20

Therefore, the Applicants respectfully submit that Varadharajan et al. fails to teach the requirement of claim 1 for, in response to determining that a public cryptographic key is not stored in said first location, performing a process including:

25

setting said timer to run until said specified time has expired;  
a subroutine executing within said first processing means, causing  
said portable computing system to perform a process including:

determining if said timer is running; and

30

providing access to said secure data only when said timer is running.



For this reason, and additionally because claim 16 merely adds this limitation to the requirements of claim 15, which is believed to be patentable as described above, the Applicants respectfully submit that claim 16 is patentable under 35 USC §102(b) over Varadharajan et al.

**Regarding claim 17**, the Examiner said that Varadharajan et al. teaches the system of claim 16, wherein

said first storage means includes a timer register storing a number corresponding to a time remaining,

said number corresponding to a time remaining is decremented in response to a series of timing pulses generated within said portable computing system, and

setting said timer includes storing a number corresponding to said specified time in said timer register.

In this regard, the Examiner referred to column 2, lines 43-46 and to column 3, lines 7-9 of Varadharajan et al.

The Applicants note that column 2, lines 43-46 describes the activation means as being responsive to the presence of the portable device causing the key update means to share the security key or code data. This teaches against the use of a timer in favor of switching based on determining the proximity of the devices. The Applicants further note that column 3, lines 7-9, describes the activation means, which causes the key update means to initiate the sharing of a security key or code data as describing when the portable device is docked within a cradle of the host device, so that direct communication can occur. This describes a method for carrying out the invention of Varadharajan et al. in providing for the exchange of keys when direct communications are established.

Therefore, and additionally because claim 17 merely adds these limitations to the

requirements of claim 16, which is believed to be patentable as described above, the Applicants respectfully submit that claim 17 is patentable under 35 USC §102(b) over Varadharajan et al.

5 **Regarding claims 18-28**, since dependent claims 18-20 merely add limitations to claim 17, which is believed to be patentable as described above, and since dependent claims 21-28 merely add limitations to claim 16, which is believed to be patentable as described above, the Applicants respectfully submit that, for reasons described above, claims 18-28 are patentable under 35 USC §102(b) over Varadharajan et al.

10 **Regarding claim 29**, the Examiner said that Varadharajan et al. teaches a computer readable medium within a portable computing system, wherein the computer readable medium has computer readable instructions for performing a method comprising a number of steps including setting a timer to run until a  
15 specified time has expired, with the Examiner citing Varadharajan et al., column 4, lines 34-42, and column 5, lines 15-30.

The Applicants note that column 4, lines 34-42, describes the operation of a key generating device within the base unit, which is used for encrypting and  
20 decrypting communications and for implementing a challenge/response routine. There is no mention of a timer being set. The Applicants further note that column 5, lines 15-30, describes methods for determining that direct communications are occurring or can occur between the base unit and the portable unit. Such a determination may be based on infrared transmission activity or on connection to  
25 battery charging terminals through a cradle. This teaches sensing the occurrence or capability for performing a form or communication, teaching against setting a timer to be used to determine when a communication is required.

30 Therefore, the applicants respectfully submit that Varadharajan et al. does not

teach the requirement of claim 29 for setting a timer to run until a specified time has expired, and that claim 29 is patentable under 35 USC §102(b) over Varadharajan et al.

5       **Regarding claim 30**, the Examiner cites column 2, lines 43-46 as indicating that Varadharajan et al. discloses that the step of setting the timer includes storing a number corresponding to said specified time in a timer register.

10       However, the Applicants note that the cited passage merely describes the activation means as being responsive to the presence of the portable device at the base device, without mentioning the use of a timer or describing how a timer may be set.

15       Therefore, the Applicants respectfully submit that Varadharajan et al. does not teach the requirement of claim 30 for the step of setting the timer to include storing a number corresponding to the specified time in a timer register. For this reason, and additionally because claim 30 merely adds this limitation to the requirements of claim 29, which is believed to be patentable as described above, the Applicants respectfully submit that claim 30 is patentable under 35 USC §102(b) over Varadharajan et al.

20       **Regarding claims 31-34**, since these dependent claims merely add limitations to claim 29, which is believed to be patentable as described above, the Applicants respectfully submit that claims 31-34 are patentable under 35 USC §102(b) over Varadharajan et al.

25       **Regarding claim 35**, the Examiner said that Varadharajan et al. discloses, In a portable computing system having a user interface including a display and a keyboard, a method for limiting access to secure data to a specified time, wherein said method comprises a number of steps with, in response to  
30       determining that said random number matches said decrypted number, setting a

timer within said portable computing system to run for said specified time, wherein said access to secure data is provided only when said time is running. In this regard, the Examiner cites Varadharajan et al., column 4, lines 34-42.

5 The Applicants note that column 4, lines 34-42, describes the operation of a key generating device within the base unit, which is used for encrypting and decrypting communications and for implementing a challenge/response routine. There is no mention of a timer being set. The Applicants further note that column 5, lines 15-30, describes methods for determining that direct communications are occurring or can occur between the base unit and the portable unit. Such a  
10 determination may be based on infrared transmission activity or on connection to battery charging terminals through a cradle. This teaches sensing the occurrence or capability for performing a form or communication, teaching against setting a timer to be used to determine when validation is required.

15 The Applicants therefore respectfully submit that Varadharajan et al. fails to disclose, in response to determining that said random number matches said decrypted number, setting a timer within said portable computing system to run for said specified time, wherein said access to secure data is provided only when said time is running. Therefore, the Applicants respectfully submit that claim 35  
20 is patentable under 35 USC §102(b) over Varadharajan et al.

**Regarding claims 36-38**, since these dependent claims merely add limitations to claim 35, which is believed to be patentable as described above, the Applicants respectfully submit that claims 36-38 are patentable under 35 USC §102(b) over  
25 Varadharajan et al.

**Regarding claims 39-43**, since dependent claims 39-41 merely add limitations to claims 1, 7, and 16, which are believed to be patentable as described above, and since dependent claims 42 and 43 merely add limitations to claim 35, which  
30 is believed to be patentable as described above, the Applicants respectfully

submit that claims 39-43 are patentable under 35 USC §102(b) over Varadharajan et al.

5 **Regarding claim 44**, the Examiner said that Varadharajan et al. discloses a portable computer including a processor means executing a security timer program including:

establishing a connection between said portable computing system and a base computing system to provide for transfer of data between said portable computing system and said base computing system;

10 verifying identity of said base computing system within said portable computing system;

resetting a timer within said portable computing system to run for a specified time; and

15 providing access to said secure data only when said timer is running.

In this regard, the Examiner cited Varadharajan et al., FIG. 1, items 10 and 12, and column 2, lines 31-46 and 59-65.

20 However, the Applicants note that FIG. 1 merely shows the base computing system 10 and the portable computing device 12 connected to one another directly, by means of a cable extending between parallel interfaces and by an infrared communications link, and indirectly, over a communications network. FIG. 1 does not show a timer used for any purpose. The referenced passages from column 2 describe a key update means for initiating the sharing of a security  
25 key or code data between the host device and the portable device, with activation means responsive to the presence of the portable device causing the key update means to share the security key or code data. The key update means may be activated manually, or it may be responsive to operation of the direct communication means. There is no mention of the use of a timer for any means  
30 or of access to data being provided while the timer is running.

For these reasons, the Applicants respectfully submit that Varadharajan et al. does not disclose the requirements of claim 44 for resetting a timer within said portable computing system to run for a specified time; and for providing access to said secure data only when said timer is running. Therefore, the Applicants respectfully submit that claim 44 is patentable under 35 USC §102(b) over Varadharajan et al.

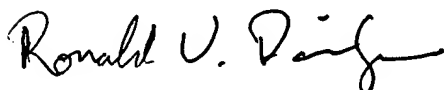
**Regarding claim 45**, since this dependent claim merely adds limitations to claim 1, which is believed to be patentable as described above, the Applicants respectfully submit that claim 45 is patentable under 35 USC §102(b) over Varadharajan et al.

**Regarding claims 46-48**, since these dependent claims merely add limitations to claim 44, which is believed to be patentable as described above, the Applicants respectfully submit that claims 46-48 are patentable under 35 USC §102(b) over Varadharajan et al.

### **Conclusions**

The Applicants respectfully submit that the application, including claims 1-49, is now in condition for allowance, and that action is respectfully requested.

Respectfully submitted,



Ronald V. Davidge

Registration No. 33,863

Telephone No. 954-364-6259

January 9, 2007